

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P. (Cr.) (Filing) No. 8623 of 2026**

**(Minor Victim)** represented through natural guardian (Father).

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**Petitioner**

Versus

1. State of Jharkhand through the Chief Secretary, Project Building, Dhurwa, Ranchi.
2. The Home Secretary, Project Building, Dhurwa, Ranchi.
3. The Additional Chief Secretary, Department of Health, Medical Education and Family Welfare, Nepal House, Doranda, Ranchi.
4. Superintendent of Police, Seraikella-Kharsawan.
5. Deputy Commissioner, Seraikella-Kharsawan.

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**Respondents**

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**CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY**

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For the Petitioner : Mr. Ashish Kumar, Adv.

For the State : Mr. Aditya Raman, AC to G.A.-III.

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**Order No. 05**

**Dated:28.04.2026**

1. Heard Mr. Ashish Kumar, learned counsel for the petitioner and Mr. Aditya Raman, learned AC to G.A.-III.
2. In this writ application, the petitioner has prayed for a direction upon the respondents to take action for medical termination of pregnancy of the petitioner, who is a minor victim of rape. A further prayer has been made commanding upon the respondent authorities to provide care and protection to the petitioner as the incident of rape and her subsequently becoming pregnant have already caused severe physical and mental trauma upon her.
3. A written report was submitted by the father of the petitioner/victim in which it has been alleged that the victim had gone missing under suspicious circumstances on 08.01.2026. Suspicion was cast upon one Sambhu Mirdha to be involved in the disappearance of the victim.

4. Based on the aforesaid allegations, Adityapur P.S. Case No. 16/2026 was instituted. Since the victim was not being recovered by the Police nor the prime accused being arrested, the father of the victim had represented the authorities and ultimately, on 01.04.2026, the victim was recovered from the custody of Sambhu Mirdha. After recovery, the victim was sent for medical examination where it came to light that the victim is pregnant. On 10.04.2026, the parents of the victim had also got her medical checkup done at Community Health Centre, Gamharia in which the pregnancy was confirmed and again on 20.04.2026, a medical checkup was done and the report suggested that the estimated gestational age of the fetus is 25 weeks and 02 days.
5. It has been submitted by Mr. Ashish Kumar, learned counsel for the petitioner that the continuation of the pregnancy and its aftermath would add up to the physical and mental trauma which the petitioner is undergoing being a victim of rape. It has been submitted that termination of pregnancy even at this stage is possible and the same would, to a certain extent, enable the petitioner to minimize the mental trauma she is undergoing. Learned counsel in support of his contention has referred to the case of **A (Mother of X) v. State of Maharashtra & Anr.** reported in **2024 SCC Online SC 608**.
6. I have also heard Mr. Aditya Raman, learned AC to G.A.-III.
7. This Court on 24.04.2026 had passed following order:

*“In this writ application the petitioner has prayed for a direction upon the respondents to take immediate action for medical termination of pregnancy of the petitioner who is a minor victim of rape.*

*The First Information Report was lodged by the father of the petitioner in which allegation was made that the petitioner was enticed away by one Shambhu Mirdha. Subsequently after repeated endeavor the petitioner could finally be recovered from the*

*possession of Shambhu Mirdha on 01.04.2026 after which she was sent for medical examination and it was revealed that the petitioner is pregnant. The medical report dated 20.04.2026 indicates that the gestational age of the fetus is 25 weeks and 2 days.*

*It has been submitted by the learned counsel for the petitioner that the petitioner is a minor victim who has been subjected to rape by Shambhu Mirdha as a result of which she had become pregnant and continuation of the pregnancy will endanger the mental and physical health of the petitioner and therefore this writ application has been preferred for termination of the pregnancy of the petitioner.*

*Since the relief sought for by the petitioner demands utmost urgency, I direct Mr. Aditya Raman, learned A.C. to G.A.-III to ensure that a Medical Board is constituted at RIMS, Ranchi today itself and the Medical Board shall examine the petitioner tomorrow i.e. 25.04.2026 and submit a report regarding the feasibility of getting the fetus aborted.*

*Since it appears that the victim/petitioner is a resident of Adityapur in the District of Seraikella-Kharsawan, the Superintendent of Police, Seraikella-Kharsawan is directed to take immediate steps for transportation of the victim along with her parents to RIMS, Ranchi today itself in order to facilitate the examination of the victim/petitioner. The learned State Counsel is directed to ensure that proper arrangements are made for the stay of the parents of the victim/petitioner at Ranchi till 27th April 2026. Further directions can be passed only after the Medical Board submits its report.*

*Let this case be listed on 27th April 2026 at 12.00 noon.*

*Mr. Aditya Raman, learned A.C. to G.A.-III is directed to submit report of the Medical Board through a sealed envelope in the Court itself on the next date of listing.*

*Let a copy of this order be immediately handed over to the learned A.C. to G.A.-III for onwards communication and compliance.”*

8. Pursuant to the aforesaid order, the Medical Superintendent, RIMS, Ranchi had submitted a report of the Medical Board on clinical examination of the victim in which it has been opined “fitness for termination after optimizing hemoglobin which should be 11gm/dl”. The Investigation Chart attached with the report indicates that hemoglobin of the petitioner was 8.72gm/dl and at clause 6 of the Report of the Medical Board, it has been mentioned “allowed” which would indicate that medical termination of pregnancy of the petitioner can be carried out only after optimizing the hemoglobin level.
9. In the case of **A (Mother of X) v. State of Maharashtra & Anr.**, it has been held as follows:

*“10. The following circumstances have been borne in mind, at this stage:*

- (i) The medical termination of pregnancy is sought in respect of a minor who is 14 years old;*
- (ii) The pregnancy is alleged to be an emanation from a sexual assault which has resulted in the registration of a First Information Report. The FIR was recorded on 20 March 2024 beyond the period of 24 weeks envisaged in the MTP Act;*
- (iii) The minor was unaware of the fact that she was pregnant until a very late stage;*
- (iv) The Medical Board at Sion Hospital has clearly opined that the continuation of the pregnancy against the will of the minor "may impact negatively on physical and mental well*

*being of the minor who is barely 14 years old"; and*

*(v) While a certain degree of risk is involved in every procedure for medical termination, the Medical Board has opined that the threat to life of the patient if termination of pregnancy is carried out at this stage is not higher than the risk of delivery at full term of pregnancy.*

**11.** *We will further elaborate on the guiding parameters in a reasoned order which will be delivered separately. However, bearing in mind the exigencies of the situation, the welfare of the minor, which is of paramount importance and her safety, we pass the following order:*

*(i) The judgment and order of the High Court of Judicature at Bombay dated 4 April 2024 shall stand set aside for reasons to follow;*

*(ii) The Dean at Sion Hospital is requested to immediately constitute a team for undertaking the medical termination of pregnancy of the minor in respect of whom the Medical Board has submitted its report dated 20 April 2024;*

*(iii) Arrangements shall be made by the State for transportation of the minor to the Hospital and for her return home after the completion of the procedure;*

*(iv) The State has agreed to bear all the expenses in connection with the procedure and all medical expenses required in the interest of the safety and welfare of the minor; and*

*(v) Post-termination if any further medical care is required, this may be ensured in the interest of the minor.”*

**10.** It has been informed at the Bar by Mr. Aditya Raman, learned

AC to G.A.-III that pursuant to the order dated 24.04.2026, the petitioner as well as her parents had been brought to Ranchi and their arrangements have been made for a proper stay and the petitioner is still admitted in RIMS, Ranchi.

- 11.** Considering the entire gamut of the case, it clearly transpires that the petitioner/victim, who is a minor, has suffered mental agony and physical pain being a victim of sexual abuse and on account of her pregnancy, such trauma has intensified and regard being had to the opinion of the Medical Board which has been referred to hereinabove, this Court thinks it appropriate that the prayer for termination of pregnancy of the petitioner should be allowed.
- 12.** In such circumstances, therefore, the Medical Superintendent, Rajendra Institute of Medical Science (RIMS), Ranchi is directed to take steps for termination of the pregnancy of the petitioner immediately after the hemoglobin level is optimized which is the opinion of the Medical Board as well and by taking necessary precautions. It is further directed that the management of RIMS shall provide the best post-operative care available to the petitioner and shall release her from the hospital after she fully recovers from the operation.
- 13.** The State of Jharkhand shall bear all the expenses necessary for the operation including medicines, food, accommodation of the parents of the petitioner which, as far as practicable, should be in the hospital premises itself.
- 14.** The RIMS shall preserve the terminus fetus as it may be necessary for the purposes of conducting a DNA Test.
- 15.** As soon as the petitioner fully recovers and is discharged, the State Government shall make necessary arrangements for her as well as her parents' transportation to their residence.
- 16.** This writ application is disposed of with the aforementioned observations and directions.
- 17.** Let a copy of this order be sent through FAX to the Principal Secretary, Department of Health, Jharkhand, Ranchi and

Medical Superintendent, RIMS, Ranchi.

- 18.** Let a copy of this order be also handed over to Mr. Ashish Kumar, learned counsel for the petitioner and Mr. Aditya Raman, learned AC to G.A.-III.

**(Rongon Mukhopadhyay, J.)**

*Dated- 28<sup>th</sup> April, 2026.*

*Preet/-*

*Uploaded on: 28 /04/2026.*